

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|---------------------------------------|---|--------------------------------|
| THOMAS M. BOLICK, <i>and</i> | : | No. 4:14-CV-0409 |
| EILEEN B. BOLICK, | : | |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | (Judge Brann) |
| | : | |
| NORTHEAST INDUSTRIAL | : | |
| SERVICES CORPORATION, <i>et al.</i> , | : | |
| | : | (Magistrate Judge Mehalchick) |
| | : | |
| Defendants. | : | |

ORDER

February 10, 2015

The undersigned has given full and independent consideration to the January 14, 2015 Report and Recommendation of Magistrate Judge Karoline Mehalchick (ECF No. 72). The Plaintiffs filed objections (ECF No. 73), which the Court considered under the applicable standard.

Because this Court agrees with Magistrate Judge Mehalchick's analysis and conclusion, the Court will not rehash the sound reasoning of the Magistrate Judge and will adopt the Report and Recommendation in its entirety.

NOW, THEREFORE, IT IS ORDERED THAT:

1. United States Magistrate Judge Karoline Mehalchick's Report and Recommendation (ECF No. 72) is adopted in its entirety.

2. All of the Defendants' various motions to dismiss are GRANTED (ECF Nos. 16, 18, 23, 37, 39, 52, 59).
3. All claims against Judge Charles H. Saylor are DISMISSED due to absolute judicial immunity.
4. Counts I and VI against Northeast Industrial Services Corporation; William R. Williams; Jeff Kurtz; Mount Carmel Borough; Edward T. Cuff; and Northumberland County are DISMISSED without prejudice as premature.
5. Count II against Mount Carmel Borough and Northumberland County are DISMISSED without prejudice as premature to the extent it seeks to impose vicarious liability based upon the eminent domain proceedings at issue in Count I.
6. Count II against Northumberland County is DISMISSED for failure to state a claim to the extent it seeks to impose vicarious liability based upon the credit card dispute at issue in Count III;
7. Counts III and VI against DFS Services LLC f/k/a Discover Financial Services; Discover Bank of Delaware; Daniel McKenna; Ballard Spahr LLP f/k/a Ballard Spahr Andrews & Ingersoll LLP; and Northumberland County are DISMISSED for failure to state a claim.

8. Counts VII and IX against all Defendants are DISMISSED for failure to state a claim.
9. Count VIII against Daniel McKenna; Ballard Spahr LLP f/k/a Ballard Spahr Andrews & Ingersoll LLP; and Northumberland County are DISMISSED for failure to state a claim.
10. Counts IV and V against all Defendants and Count X against the News Item and Scranton Times LP are DISMISSED without prejudice pursuant to 28 U.S.C. § 1367(c)(3).
11. The Plaintiffs are granted leave to file a second amended complaint on or before twenty-one (21) days from the date of this Order.
12. The matter is remanded to Magistrate Judge Mehalchick for further proceedings.

BY THE COURT:

s/Matthew W. Brann
Matthew W. Brann
United States District Judge